

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:09CR105-P-D**

**JUSTIN WINDHAM**

**ORDER**

This cause is before the Court on the defendant's Motion for Continuance of Change of Plea Date and Trial Date [15]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

Windham's counsel avers that defendant is undergoing inpatient treatment for anxiety and emotional distress and cannot appear before the Court for his change of plea hearing at the present time. The scheduled trial date is November 2, 2009. He seeks a continuance in order to obtain the necessary medical treatment and to conclude plea proceedings. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from November 2, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to allow defendant to seek necessary medical treatment and to extend the time for holding a change of plea hearing. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance of Change of Plea Date and Trial Date [15] is GRANTED;
2. That the trial of this matter is continued until Monday, December 7, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from November 2, 2009 until December 7, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 16, 2009;
5. That the deadline for submitting a plea agreement is November 23, 2009.

SO ORDERED, this the 28<sup>th</sup> day of October, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE